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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 20
October 20, 2014

The Burlington City Council met in regular session at 5:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor McCampbell, Council Members Anderson, Fleming and Scott present. Tammy King presented a check in the amount of \$1,400.00 that was raised at a benefit that was held on October 18, 2014 for the police reserves.

BURLINGTON CITY COUNCIL

CERTIFICATE OF RECOGNITION:
Kathleen Salisbury, City Clerk, 35 Years of Service

PROCLAMATION:
Burlington Area United Way Time: K. C. Fleming

CONSENT AGENDA: To the Public:

All matters listed under Item I., Consent Agenda, having been discussed were considered to be routine by the City Council and were enacted by one motion. There was no separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

Introduced By: Scott Seconded By: Fleming
MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor McCampbell reviewed the items listed on the consent agenda to the viewing audience. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES) CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 1130 Bartlett Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the property at 1130 Bartlett Street as an abandoned building. He stated that the purchaser must ensure that the property receives permits and meets codes for renovation as required, as well as necessary sidewalk and parking improvements.

He stated that the deed shall not be transferred until there is substantial completion of the home repairs. He stated that a licensed electrician and plumber shall be required to inspect and sign off that such items in the property meet or are brought up to adopted codes and insurance is maintained on the home prior to deed transfer. He stated that the purchaser shall pay a minimum of \$500 or 10% down (whichever is greater) upon approval of sale. Mayor

McCampbell led an auction for the Sale of Property Locally Known as 1130 Bartlett Street, City of Burlington, Des Moines County, Iowa. Two by Four Property (Timothy Steele) was the high bidder at \$601.00. All present had opportunity to speak and nothing additional was filed in the office of the City

Clerk.

Introduced By: Scott
Motion to Close

Seconded By: Anderson

CARRIED

Introduced By: Scott

Seconded By: Anderson

Motion to Amend Exhibit A C of the Resolution Approving the Sale of Property

Locally Known as 1130 Bartlett Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Two by Four Property (Timothy Steele) in the amount of \$601.00

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: Scott

Seconded By: Anderson

Resolution Approving Sale of Property Locally Known as 1130 Bartlett Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 4 - AYES)

ADOPTED

2. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 137, Sidewalk Regulations of the City of Burlington Municipal Code

COMMENTS: The City Engineer reviewed with Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 137, Sidewalk Regulations of the City of Burlington Municipal Code. He stated that the changes would allow for compliance with the Americans with Disabilities Act (ADA), the proposed guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) and the Iowa Statewide Urban Design and Specifications (SUDAS). He stated that it would bring the Code in agreement with Federal law and guidelines. He stated that the proposed Ordinance also allows City departments to notify property owners ordering repairs to deficient sidewalks. He stated that over the years this has been common practice when complaints have been received. He stated that the change would change City Code to match how the City has been operating. He further stated that residential sidewalks shall

be at least 50 inches wide and four inches thick and the length of each panel shall not exceed its width. Leon Shahan of 1821 Mt. Pleasant Street stated that

if repairing an existing sidewalk if the property owner would need to meet the new ADA requirements. The City Engineer stated that minor repairs up to three panels would not be required to meet ADA requirements. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott
Motion to Close

Seconded By: Fleming

CARRIED

Introduced By: Scott

Seconded By: Fleming

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 137, Sidewalk Regulations of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

3. Statement: Consideration of a Resolution Amending the Future Land Use Map of the Burlington 2032 Comprehensive Plan

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Resolution Amending the Future Land Use Map of the

Burlington 2032 Comprehensive Plan. He stated that the area changes to the future land use map of the City of Burlington includes the following: Des Moines

Avenue: west side, north of Cash Street, south of Silver Street (low density residential to neighborhood mixed use); Mason Road: north side, east of Lawrence

Drive (low density residential to commercial); Angular Street: north side, west of South 7th Street (low density residential to neighborhood mixed use) and Mt. Pleasant Street: south side, east of Orchard Meadows (commercial to higher density residential). He stated that the zoning districts associated with land uses were as follows: low density residential (R-1, R-2 and R-3); higher density

residential (R-3 and R-4), neighborhood mixed use (R-4, C-1, PUD) and Commercial (C-1 and C-2). He explained that the Angular Street and the Mt. Pleasant Street

future land use map were scheduled for public hearing on November 3, 2014. Council Member Scott stated that he felt that approval of the Resolution should be continued until the Council holds the public hearings and approves the Ordinances rezoning Angular Street and Mt. Pleasant Street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Anderson
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Scott
Resolution Amending the Future Land Use Map of the Burlington 2032 Comprehensive Plan

Introduced By: Scott Seconded By: Anderson
Motion to Continue Consideration of the Resolution Amending the Future Land Use Map of the Burlington 2032 Comprehensive Plan to the December 1, 2014 City Council Meeting

DISCUSSION: None.
(VOTE: 4 - â AYESâ)

CARRIED

4. Statement: Consideration of a Permanent Encroachment Agreement with Pro Paving LLC for Encroachment into City Right-of-Way at 624 Angular Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed permanent encroachment agreement with Pro Paving LLC for encroachment into City right-of-way at 624 Angular Street. He stated that the encroachment was for a paving area and a retaining wall adjacent to the

building at 624 Angular Street that would be in the City's right-of-way. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Anderson
Resolution Authorizing a Permanent Encroachment Agreement with Pro Paving LLC
for Encroachment into City Right-of-Way at 624 Angular Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - AYES)

ADOPTED

ORDINANCES:

Introduced By: Anderson Seconded By: Scott

1. Motion for Final Adoption of an Ordinance Amending Chapter 56.01(1)(A),
56.01(2) and 56.01(5) Curfew of the Code of Ordinances of the City of
Burlington, Iowa

DISCUSSION: The Police Chief reviewed with Council and the viewing audience the
proposed Ordinance Amending Chapter 56.01(1)(A), 56.01(2) and 56.01(5) Curfew of
the Code of Ordinances of the City of Burlington, Iowa. Leon Shahan of 1821 Mt.

Pleasant Street stated that he was against the proposed curfew Ordinance. He
stated that he hated to see putting young people under a house arrest. He st
ated

that if there was a problem area in Burlington then place a police officer in
that area. Phillip Hillman of 848 South Garfield Avenue stated that 9:00 p.m.
curfew was too early. Mayor McCampbell stated that he had tried to have an open

mind on the curfew, but he felt that Leon Shahan had a vital point and that he
would be voting no on the proposed Ordinance. All present had opportunity to
speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - AYES Scott, Anderson and Fleming

1 - NAY McCampbell)

CARRIED

Introduced By: Anderson Seconded By: Scott

2. Motion to Amend Section 2. Amendment, No. 1(3) of the Proposed Ordinance Amending Chapter 56.01(1)(A), 56.01(2) and 56.01(5) Curfew of the Code of Ordinances of the City of Burlington, Iowa

DISCUSSION: None.

(VOTE: 3 - AYES Scott, Anderson and Fleming

1 - NAY McCampbell)

CARRIED

RESOLUTIONS:

Introduced By: Anderson Seconded By: Fleming

1. Resolution Establishing an Area as a Pilot Program for Alternating Odd/Even Parking on Narrow Streets from November 1st to April 15th Each Year

DISCUSSION: The Public Works Director stated that following last winter's snow

removal system, the City Council directed Public Works to look at and evaluate alternate parking options where snow removal difficulties were encountered. He stated that options were presented and discussed at the September 8, 2014 work session. He stated that the pilot program would provide for alternating odd/even parking on the following narrow streets: 1700, 1800, 1900 and 2000 blocks of Orchard Street; Acres Street from Main Street to River Street; Barret Street from Main Street to River Street; Denmark Street from Main Street to River Street; Sweeney Street from River Street to the east end; the 1500 block of Grove Street and the 100 block of South Adams Street. He stated that the parking restrictions are in effect from November 1st to April 15th each year from 12:00 a.m. to 5:00 p.m. each day. He stated that it was anticipated it would take approximately 72 signs to implement the program at a cost of \$70.00 per sign for a total cost of \$5,000.00. He stated that the signs would be made by Prison Industries. He further stated that letters were sent to affected property owners with minimal phone calls received from Public Works. Mayor McCampbell stated that the alternating odd/even parking will address the issue of junk cars sitting on City streets. The Public Works Director stated that the

City will have a survey on how well received the program was from the affected property owners. Council Member Anderson and Council Member Fleming stated that

it was worth a try to start the pilot program. Council Member Scott stated that

he received an e-mail from a person that lives on South Adams Street that it would be an inconvenience for him with the alternating parking. He stated that the pilot program was still a band-aid approach and the issue should be looked at with a more long range plan. He stated that if a property owner wants parking on both sides of the street they can petition to have their street widened at the property owner's cost. Council Member Anderson stated that some

property owners feel that it is cost prohibiting to pay to widen their streets.

All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Anderson Seconded By: Fleming

2. Resolution Approving the Allocation of Starker Trust Funds Towards the Purchase of Land in Bonnâ s Hollow

DISCUSSION: Dave Weimer of 1214 Messiah Drive stated that he is working on a project that was started in the 1970s & 1980s. He stated that the resolution speaks for itself and he encouraged the council to approve the resolution. The City Manager stated that the request has been made to allocate up to \$4,000.00 of Starker Trust funding towards the purchase of land in Bonnâ s Hollow. The Development and Parks Director stated that \$4,000.00 from the Starker Trust will

not affect the swimming pool and playground projects as they are much larger City projects. Linda Arnold of 1024 North 4th Street stated that she would love

to see the Bonnâ s Hollow project come forward and would love to have a pedestrian trail. Council Member Anderson stated that she walked the area and it was a very worthy project. Mayor McCampbell stated that there were only a few trees on the property. The City Manager stated that the equalization basin may have to go in that area so the City may have to cut some trees down. He stated from the staff perspective they would like to see the trees maintained. Mayor McCampbell stated that he was satisfied with the request. Council Member Fleming and Council Member Scott stated that it was a reasonable request. He stated that it would expand the Cityâ s potential for a reserve and that itâ s a

good investment. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - â AYESâ Scott, Anderson and Fleming

1 - â NAYâ McCampbell)

ADOPTED

COMMENTS FROM AUDIENCE: Frank Hillman of 121 South 6th Street stated that he lives on a snow route. He stated that when a snow emergency has been declared, he doesnâ t have anywhere to park. Carlo Ayala of 121 South 6th Street stated that he lives in the same complex and he doesnâ t have anywhere to park when a snow emergency has been declared either. Mayor McCampbell encouraged him to attend the November 24, 2014 Work Session. Phil Hillman of 848 South Garfield Avenue stated that the median in front of his house makes it difficult for cars and buses to make the corner while turning onto South Garfield Avenue. He stated that itâ s more of a hindrance than a help. Frank Hillman stated that when he visits that portion of South Garfield Avenue, the median makes it difficult to back out of Phil Hillmanâ s driveway. Mayor McCampbell stated tha t

he has never had a problem with that intersection before. Frank Hillman stated that when he goes to the riverfront fishing he has noticed that the bug lights need to be cleaned. He stated that some of the lights are broken and donâ t work. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:17 p.m.

Approved: November 3, 2014

Kathleen P. Salisbury, MMC
City Clerk

Shane A. McCampbell
Mayor

(See recording on file in the office of the City Clerk for complete discussion and documentation.)

ITEM I. Consent Agenda

FINANCES AND MISCELLANEOUS
Minutes of Previous Meetings

Payroll and City Claims

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Nuisance Abatements
2. Resolution Approving Fourth Amended Chapter 28E Agreement Establishing Position of Joint Safety Director

SET DATE FOR PUBLIC HEARINGS: NOVEMBER 3, 2014

1. Consideration of an Ordinance Rezoning the Property Located at 2535 Mt. Pleasant Street from C-2, General Commercial to R-4, Multi-Family Residential Zoning District
2. Consideration of an Ordinance Rezoning the Property Located at the Northwest Corner of Angular Street and South 7th Street from R-4, Multi-Family Residential to C-2, General Commercial Zoning District